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Attorneys for National Union Fire
Insurance Company of Pittsburgh, PA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

CITY OF UNALASKA,

Plaintiff,

v.

NATIONAL UNION FIRE INSURANCE
COMPANY,

Defendant.

Case No. 3:21-cv-_____

**NOTICE OF REMOVAL OF
CIVIL ACTION**

TO: Clerk, United States District Court for the District of Alaska

AND TO: Plaintiff City of Unalaska, through its lawyers of record, Brooks Chandler and
Samuel Severin, Boyd, Chandler, Falconer & Munson, LLP.

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, on behalf of incorrectly identified entity
National Union Fire Insurance Company, Defendant National Union Fire Insurance Company of
Pittsburgh, PA (“NUFIC”) hereby removes this case to the United States District Court for the
District of Alaska on the grounds set forth below:

1 1. On or about March 22, 2021, Plaintiff City of Unalaska filed an action against
2 NUFIC in the Superior Court for the State of Alaska, Third Judicial District at Unalaska, titled
3 City of Unalaska v. National Union Fire Insurance Company (the “State Action”).

4 **TIMELY REMOVAL**

5 2. NUFIC first received the initial pleadings setting forth the claims for relief on
6 which the State Action is based on April 1, 2021, when NUFIC received copies of the Summons
7 and Complaint in the State Action. This Notice of Removal of Civil Action is filed within thirty
8 days after April 1, 2021, and is therefore timely under 28 U.S.C. § 1446(b).

9 3. A copy of all process, pleadings, and orders served in the State Action is attached
10 as Exhibit A.

11 **DIVERSITY JURISDICTION**

12 4. This Court has original jurisdiction over the claims set forth in the Complaint
13 pursuant to 28 U.S.C. § 1332(a), on the basis of diversity jurisdiction. Diversity Jurisdiction
14 exists where the matter in controversy is between citizens of different and exceeds the sum or
15 value of \$75,000, exclusive of interest and costs. 28 U.S.C. § 1332.

16 5. The City of Unalaska is an Alaskan municipal corporation located in Unalaska,
17 Alaska. Compl. ¶ 8.

18 6. NUFIC is incorporated in the state of Pennsylvania, with its principal place of
19 business in New York, and therefore is not a citizen of the same state as the City of Unalaska.

20 7. The amount in controversy exceeds \$75,000. The City of Unalaska prays in the
21 Complaint for damages “in the amount of \$537,861.67, plus all consequential damages.” Compl.
¶ 57 and Prayer for Relief.

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8. Accordingly, the Complaint satisfies the diversity and amount in controversy requirements of 28 U.S.C. §§ 1332(a) & 1441(b)(2). The State Action is, therefore, a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, and is one that may be removed to this Court pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446.

VENUE

9. Venue is proper in this district pursuant to 28 U.S.C. § 1391 and District of Alaska Local Rule 3.3(b).

NOTICE

10. Promptly after the filing of this Notice, NUFIC will serve written notice of this removal on the City of Unalaska, and will file a copy of this Notice with the Clerk of the Court of the Superior Court for the State of Alaska, Third Judicial District at Unalaska. A copy of the Notice to State Court of Filing Notice of Removal to Federal Court that will be filed with the State Court is attached hereto as Exhibit B.

WHEREFORE, NUFIC has removed the State Action to this Court.

DATED this 14th day of April, 2021.

DAVIS WRIGHT TREMAINE LLP
Attorneys for Defendants

/s/ *Scott Broadwell*

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